

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
ESTHER SALAS
UNITED STATES DISTRICT JUDGE

MARTIN LUTHER KING
COURTHOUSE
50 WALNUT ST.
ROOM 5076
NEWARK, NJ 07101
973-297-4887

December 6, 2013

LETTER ORDER

Re: *Nike USA, Inc. v. Big Rock Jeans, Co., LTD. et al.*
Civil Action No. 13-cv-00108 (ES)

Dear Counsel:

Pending before this Court is Plaintiff Nike USA, Inc.'s ("Nike") motion for default judgment against Defendants Big Rock Jeans, Co., Ltd. and Assaasallah T. Alawie. (D.E. No. 6). The Court DENIES this motion.

"Entry of default by the Clerk under Federal Rule of Civil Procedure 55(a) constitutes a general prerequisite for a subsequent default judgment under Rule 55(b)." *Husain v. Casino Control Com'n*, 265 F. App'x. 130, 133 (3d Cir. 2008). Here, there was no entry of default prior to Plaintiff's filing of the instant motion. Thus, the motion is denied without prejudice, with leave to re-file within 30 days.

SO ORDERED.

s/Esther Salas
Esther Salas, U.S.D.J.